

AN ORDINANCE GRANTING TO CENTRAL CALIFORNIA TRACTION COMPANY, A RAILROAD CORPORATION, DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF CALIFORNIA, AND HAVING ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND TRANSACTING BUSINESS IN THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, ITS SUCCESSORS IN INTEREST AND ASSIGNS, THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT, LAY DOWN, MAINTAIN AND OPERATE A SPUR RAILROAD TRACK OF STANDARD GAUGE, FOR THE TRANSPORTATION OF FREIGHT, TOGETHER WITH THE RIGHT, PRIVILEGE AND PERMISSION TO LAY DOWN AND MAINTAIN THE NECESSARY CURBS, CROSSINGS AND CONNECTIONS, AND THE RIGHT TO RUN CARS THEREON AND THEREUNDER, PROPELLED AND OPERATED BY ELECTRICITY, OR BY OTHER LAWFUL MOTIVE POWER, EXCEPT HORSES AND MULES, WITH ALL THE NECESSARY POLES AND OVERHEAD OR UNDERGROUND WIRES, ON, OVER, ALONG, UPON AND ACROSS THE STREETS, PORTIONS OF STREETS, AVENUES AND OTHER PLACES IN THE CITY OF LODI, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

Commencing for the center line of said spur track at a point 5 feet East of the West line of Seaton Avenue, and 30 feet North of the North line of Flora Street produced Westerly, as said Seaton Avenue and Flora Street are shown and delineated on the "Plat of Subdivision of Lot 72 of the Lodi Barnhart Tract," filed July 8, 1908, and recorded in Book of Maps, Vol. 4, Page 30, in the office of the County Recorder of San Joaquin County, California, said point of commencement being the South end of present Central California Traction Company's spur track along Seaton Avenue, and being also Engineers Station 0-00; thence Southerly, 5 feet East of, and parallel to the West line of Seaton Avenue, a distance of 687.0 feet to Engineers Station 6-87.0; thence Southerly, on a gradual curve to the right, having a radius of 150 feet, a distance of 39.0 feet to a point in the North line of Tokay Street, as said Tokay Street is shown on the above mentioned "Plat of Subdivision of Lot 72 of the Lodi Barnhart Tract"; thence continue on above noted curve to the right, Southerly 39.5 feet to Engineers Station 7-65.5; thence Southerly on a gradual curve to the left, having a radius of 150 feet, a distance of 31.0 feet to a point in the South line of Tokay Street, being Engineers Station 7-96.5.

BE IT ORDAINED by the Board of Trustees of the City of Lodi, as follows:

Section 1. The City of Lodi hereby grants to Central California Traction Company, a railroad corporation duly organized and existing under and by virtue of the laws of the State of California, and transacting business in the County of San Joaquin, State of California, its successors in interest and assigns, the right, privilege and permission to construct, lay down, maintain, and operate a spur railroad track of standard gauge, for the transportation of freight, together with the right, privilege and permission to lay down and maintain the necessary curbs, crossings and connections, and the right to run cars thereon and thereunder, propelled and operated by electricity or by any other lawful motive power, except horses and mules, with all the necessary poles and overhead or underground wires, on, over, along, upon and across the streets, portions of streets, avenues and other places in the City of Lodi, County of San Joaquin, State of California, and particularly described as follows, to-wit:

Commencing for the center line of said spur track at a point 5 feet East of the West line of Seaton Avenue, and 30 feet North of the North line of Flora Street produced Westerly, as said Seaton Avenue and Flora Street are shown and delineated on the "Plat of Subdivision of Lot 72 of the Lodi Barnhart Tract," filed July 8, 1908, and recorded in Hook of Maps, Vol. 4, Page 30, in the office of the County Recorder of San Joaquin County, California, said Point of commencement being the South end of present Central California Traction Company's spur track along Seaton Avenue, and being also Engineers Station 0-00; thence Southerly, 5 feet East of, and parallel to the West line of Seaton Avenue, a distance of 687.0 feet to Engineers Station 6-87.0; thence Southerly on a gradual curve to the right, having a radius of 150 feet, a distance of 39.0 feet to a point in the North line of Tokay Street, as said Tokay Street is shown on the above mentioned "Plat of Subdivision of Lot 72 of the Lodi Barnhart Tract"; thence continue on above noted curve to the right, Southerly 39.5 feet to Engineers Station 7-65.5; thence Southerly on a gradual curve to the left, having a radius of 150 feet, a distance of 31.0 feet to a point in the South line of Tokay Street, being Engineers Station 7-96.5.

Section 2. The franchise, rights, privileges and permissions herein granted to said Grantee are dependent for their continuance and validity upon the performance by said Grantee in full of all conditions as hereinafter set out, to-wit:

First-Said Grantee shall, in all cases, construct, lay down and maintain its said roadbed in said City, of Lodi to the official grade of the said Streets and portions of streets in said City of Lodi, and shall not construct or raise any portion of his roadbed to a greater height than said official grade, unless with the permission of the said Board of Trustees, of the City of Lodi.

Second-Said Grantee shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the Board of Trustees of the City of Lodi, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third-Said Grantee shall, upon the order of the said Board of Trustees, of the City of Lodi, grade or regrade, gravel or regravels, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said Board of Trustees, of the said City of Lodi, any and all portions of said streets along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said Grantee, its successors in interest, or assigns, be permitted to run or operate said railroad on said streets or portions of streets where the said track is laid until the same shall have been approved by the Superintendent of Streets, and by this Board of Trustees.

Section 3. The franchise, rights, privileges and permissions are hereby granted for such term, period and length of time, as shall meet with the pleasure of this Board of Trustees.

Section 4. Said Grantee shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and repass thereon.

Section 5. All privileges and rights required by said Grantee for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property, and upon grades made by private persons are to be by said Grantee secured from the owners of such property.

Section 6. If the said Grantee shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Lodi, the franchise, rights, privileges and permissions herein granted, or to commence in good faith and duly prosecute the construction of its said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto the said Grantee.

Section 7. This Ordinance shall take effect and be in force thirty (30) days from and after its passage and approval.

The foregoing Ordinance No. 133 was duly introduced in the City Council, City of Lodi, on Monday, August 21, 1922, and thereafter finally passed, adopted and ordered to print at a regular meeting of said Council held on Monday, August 28, 1922, by the following vote:

YES: Trustees Hale, Mettler, Spooner and Shattuck.

NOES: None.

ABSENT: Trustee Hickok.

Attest:

J. F. BLAKELY  
City Clerk.